

**United States**  
**Department of the Interior**  
**Bureau of Land Management**

*Miles City Field Office*

**Tomahawk Oil Company**  
**Pipeline Replacement**

Environmental Assessment (EA)  
DOI-BLM-MT-C020-2013-0104-EA

*For Further Information Please Contact:*

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BLM



**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

**ENVIRONMENTAL ASSESSMENT REVIEW**

<b>OFFICE/AREA:</b> Miles City Field Office	<b>EA#:</b> DOI-BLM-MT-C030-2013-104-EA
	<b>DATE POSTED:</b> March 6, 2013
<b>NAME/LOCATION:</b> Tomahawk Oil Co. Inc. Rosebud County, Montana Federal #6 pipeline, MTBIL040558A; T11N, R31E, Sec. 10 and 11	<b>DATE DUE:</b> March 8, 2013
	<b>FUNDING:</b> 1310 EJ

ORIGINATOR DATE/INITIALS	TITLE	ASSIGNMENT
Irma Nansel	Natural Resource Specialist	Oil & Gas

REVIEWERS	TITLE	ASSIGNMENT	DATE/INITIALS
Doug Melton	Archaeologist	Cultural Resources	03/07/13 DM Cultural Report MT-020-13-108
Dan Benoit	Sup. Natural Resource Specialist	Reviewer	DAB 3/11/13

  
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ENVIRONMENTAL COORDINATOR

3/15/2013  
DATE

## ENVIRONMENTAL ASSESSMENT

**EA NUMBER:** DOI-BLM-MT-C030-2013-104-EA

**PROPOSED ACTION/TITLE TYPE:** Sundry Notice for installed pipeline in Rosebud County, Montana

**LOCATION OF ACTION:** Tomahawk Oil Company, Inc., Rosebud County, Montana. Federal #6, MTBIL040558A; T11N, R31W, Sec. 10 and 11

**PREPARING OFFICE:** Miles City Field Office (MCFO)

**APPLICANT:** Tomahawk Oil Company, Inc.

**DATE OF PREPARATION:** March 4, 2013

**CONFORMANCE WITH APPLICABLE LAND USE PLAN:** This proposed action is in conformance with the Big Dry RMP ROD approved in 1996. On page 14 of the ROD, it states “The BLM planning process determines availability of federal lands for oil and gas leasing where BLM is the surface management agency.”, and on page 13, “A lease grants the right to explore, extract, remove, and dispose of oil and gas deposits that may be found on the leased lands. The lessee may exercise the rights conveyed by the lease, subject to lease terms and any lease stipulations and permit approval requirements.”

**PURPOSE AND NEED FOR THE ACTION:** The purpose and need of this action is to determine whether the proponent installed the pipeline in an environmentally responsible manner consistent with applicable policies, regulations, and laws. This includes processing the permit consistent with the existing leases to continue to meet the nation’s energy needs.

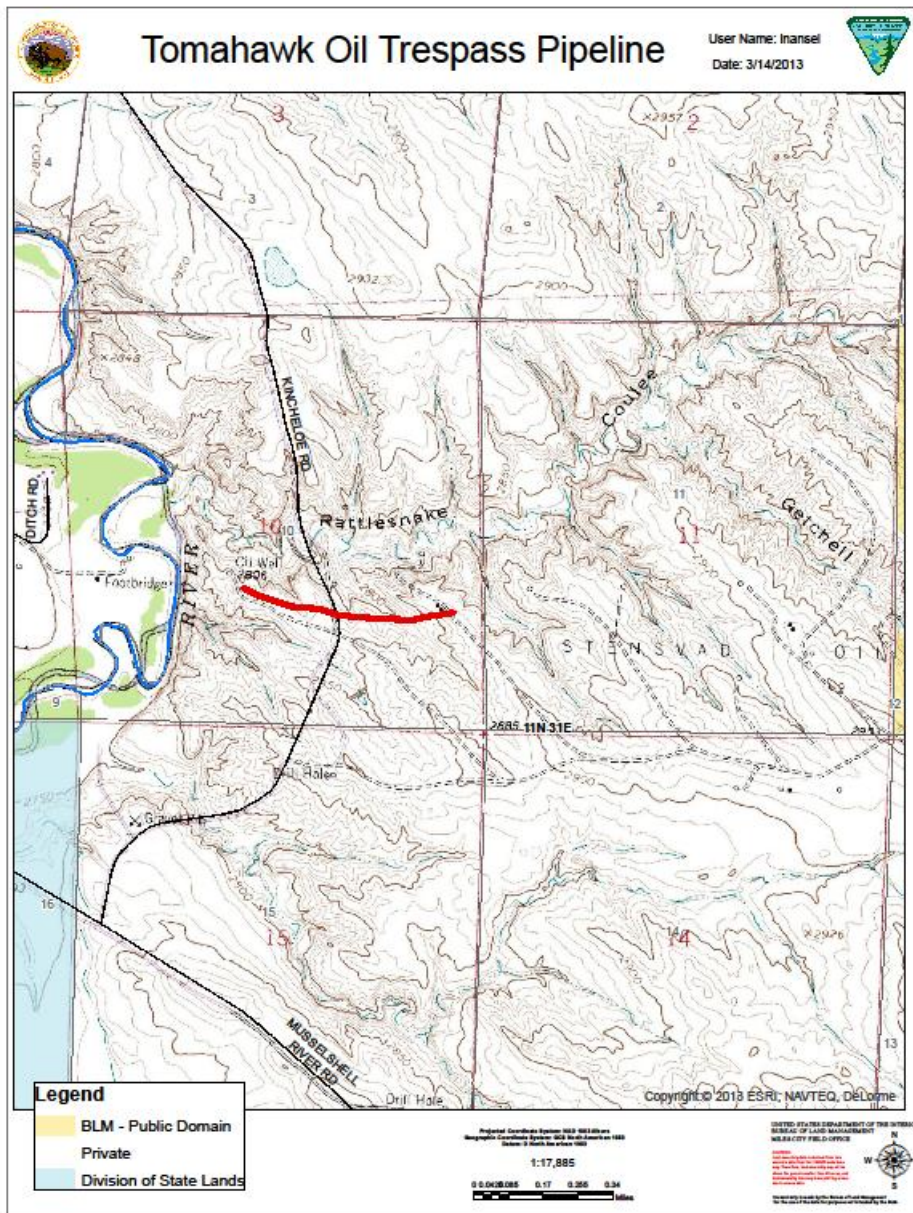
**PROPOSED ACTION:** Tomahawk Oil Company, Inc. (Tomahawk) replaced a deteriorated existing pipeline from the Federal #6 oil well on privately owned surface in Section 10, T. 11 N., R. 31 E. in the fall of 2012 (Table 1). The pipeline begins on private surface situated over federal minerals (split estate) and continues onto private surface over private minerals within the Stensvad Unit boundary.

The pipeline is approximately 2,746 feet in length and starts at the Federal #6 well in the NESW of Section 10 and connects into an existing pipeline in the west half of section 11 that goes to the East production facility in the NESE in Section 11. The pipeline installed is fiberglass and was buried approximately 4 feet deep. The line was installed within the existing corridor of the pipeline being replaced. The proposed action is on private surface. See map below.

The estimated total acreage of disturbance on fee surface is approximately 1.89 acres. Although the pipeline was installed, no Sundry Notice has been approved. The operator has provided certification that they have a surface owner’s agreement

Table 1

Unit	Well Number	Pipeline Location	Surface Ownership	Pipeline(footages, bearing) (acres)
Stensvad	Federal #6	T11N R31E Sec. 10 and 11	Fee	2,746 x 30’ E (1.89 acres)
Total Acres Disturbed:	---	---	---	1.89 acres



## Pipeline Route Map

**ALTERNATIVE 1 - NO ACTION:** The no action alternative would be to not authorize the permit.

## AFFECTED ENVIRONMENT:

**Air:** The well site and access road are located in a Class II air quality rating area, which is an area that allows moderate degradation above “baseline” including most of the United States. The air will contain some pollution from the oil and gas activities in the area within a few miles radius of the well, including extremely low levels of hydrogen sulfide gas, sulfur dioxide gas from venting and flaring activities, and dust particulates from surface-disturbing activities. The nearest Class I air shed is the northern portion of Yellowstone National Park in southern Montana, which is approximately 170 miles southwest of the project area. The dominate wind direction in this area is from the west.

Cultural Resources: A Class III cultural resources inventory (see BLM cultural resource report number: 13-MT030-0108) was conducted and no cultural resource sites were located in the project area or area of potential affect (APE).

Hydrology: The well site and access road are located in the Middle Musselshell Watershed HUC 8 (10040202). The Musselshell River is approximately 1,000 feet to the west of the installed pipeline. The water quality of surface runoff is determined by the soil chemistry, topography and the quantity of vegetation. Protection of the soil by vegetation is an important component for the prevention of erosion and improvement of the surface water quality. Well vegetated shallow slopes (less than ~3:1) yield runoff which is of relative good quality. Stream chemistry is determined by runoff water mixing with groundwater inputs.

Soils: Soil affected by the pipeline installation was identified from the U.S. Department of Agriculture, Natural Resources Conservation Service Soil Survey Geographic (SSURGO) database for Rosebud County, Montana. Soil affected by the action is Neldore-Volborg silty clays. The clays consist of well drained, very low to moderately high permeable soils formed in clayey residuum weathered from shale. These soils are on hills and have a slope of 4 to 25 percent. For the Official Series Description visit: <http://websoilsurvey.nrcs.usda.gov/app/>

Vegetation: The proposed project area vegetation type is characterized by Wyoming big sagebrush/western wheatgrass (*Aremisia tridentata* subsp. *wyomingensis*/*Agropyron smithii*) (Hanson et al, 2008) habitat type. The relatively undisturbed later seral stand of this habitat type is dominated by scattered covering of the sagebrush over an extensive graminoid understory. However, due to the gently topography, vegetation stand has been disturbed by long term livestock grazing. The sagebrush stands are open and much of the soil surface is exposed. Western wheatgrass dominates the understory and a variety of forbs and other graminoid species are present. No invasive or noxious species were identified in the area. Current land uses in the area include livestock grazing and ranching, cultivated agriculture, oil and gas development, and wildlife habitat.

Wildlife: The area provides habitat for wildlife including pronghorn, mule deer, sage-grouse and numerous non-game species, including raptors and songbirds and other migratory bird species. The proposed action is located within crucial mule deer and antelope winter range. There are no sage-grouse leks located within 3 miles of the project area. Sage-grouse are presently classified as a BLM Sensitive Species and a candidate species for protection of the Endangered Species Act but is precluded from listing as a threatened or endangered species due to other higher priority species. The project area is all within a designated Montana Fish, Wildlife and Parks sage-grouse core area. The project area contains no other known habitat for endangered, threatened, or other special status species.

#### ENVIRONMENTAL IMPACTS:

Mandatory Item	Potentially Impacted	No Impact	Not Present On Site
Threatened and Endangered Species			X
Floodplains			X
Wilderness Values			X
ACECs			X
Water Resources	X		
Air Quality		X	
Cultural or Historical Values			X
Prime or Unique Farmlands			X
Wild & Scenic Rivers			X
Wetland/Riparian			X

Native American Religious Concerns			X
Wastes, Hazardous or Solids			X
Invasive, Nonnative Species	X		
Environmental Justice		X	

*The following non-critical resources would not be impacted by this action; therefore, they would not be analyzed in detail by this Environmental Assessment: Fire, Forestry, Geology, Lands/Realty, Recreation, Wetlands, Livestock Grazing, or Ecologically Critical Areas.*

## **DESCRIPTION OF IMPACTS FROM THE ACTION:**

Air: Emissions generated during the construction phase included vehicle emissions; diesel emissions from large construction equipment; small amount of carbon monoxide, nitrogen oxides, and fugitive dust from sources such as disturbing and moving soils, trenching, backfilling, and truck equipment traffic. There are accumulated types of pollution from activities within the surrounding and adjacent oil and gas activities, and dust particulates from associated surface-disturbing activities. Impacts on air quality were temporary and local. The emissions and fugitive dust that were generated would not cause an exceedance of air quality standards nor have any impact on climate change.

Cultural: A Class III cultural resources inventory was conducted and no cultural resource sites were located in the project area or area of potential affect (APE). (See cultural resource report number: MT-030-13-0108.)

Hydrology: During construction there would be an increase in soil erosion rates and an increase in overland flow due to the disturbance of vegetation and soil compaction on 1.89 acres. Erosion rates would return to natural levels once vegetation is reestablished providing living and dead vegetation to protect the soil surface from flashy runoff. Due to the use of runoff preventive measures applied as conditions of approval and the presence of sediment filtering vegetation between the construction site and live waters, effects to surface waters would be nearly unnoticeable. In the long term, erosion rates would return to near natural levels once vegetation is reestablished on the flow line.

Soils: Approximately 1.89 acre of soil was disturbed by the pipeline construction. The impact to soils was from erosion and compaction caused by equipment and vehicles.

Vegetation: Because the pipeline was trenched, less than 1.89 acre of vegetation was removed from the areas needed for installation of the pipeline. The area would be seeded during reclamation.

Wildlife: Wildlife would be temporarily displaced as a result of the activity associated with construction of the pipeline. Some small mammals and ground nesting birds would be lost during construction. A minimal amount of wildlife habitat was lost temporarily due to the proposed project. The effect of additional development within this landscape increases overall habitat fragmentation during the life of these disturbances, and reduces wildlife suitability in this area for the majority of species associated with these habitat types. When the field is no longer producing and successful vegetative reclamation of the field has occurred, the area will once again provide habitat for these wildlife species.

## **DESCRIPTION OF IMPACTS FROM ALTERNATIVE 1-NO ACTION:**

The no action alternative would be that BLM would not authorize the permit. The impacts to the environment have already occurred.

Minerals: Under this Alternative, if BLM does not approve the permit, the operator would not be able allowed to transport federal royalties to the production facilities. It would decrease the efficiency of production operations of the federal lease. This would decrease production from the federal lease and

would result in the loss of additional oil being added to the market place, and loss of royalties to the Federal and State governments. An analysis of the oil production of the Federal #6 well indicates an average oil production of approximately 5,475 barrels of oil during the life of the well. By choosing this alternative we would be denying the opportunity to produce approximately 5,475 barrels of oil for the nation.

#### **CUMULATIVE IMPACTS FROM THE ACTION:**

Under this Alternative, there would be continuing impacts to the area's hydrology, soils, vegetation, and wildlife due to existing disturbances from farming, grazing, ongoing reclamation, oil and gas infrastructure installation and construction, and other related surface disturbing activities in the area. Existing surface disturbing activities within 1 mile of the well are: 10 producing oil wells (5 acres), approximately 6 miles of existing roads (21 acres), and farmed land. The primary uses of this area are oil field development, with native rangelands and farming.

The well site and surrounding area serves as wildlife habitat for a variety of species. The addition of the pipeline would have impacted individual wildlife species and added negligible stress to the population level; however, the result of all past actions coupled with this action would increase the extent of stressors on the native fauna within the area. Short term (<5 years) impacts from the action would include soil compaction, reduction of vegetative cover which would result in wind and water erosion, increased potential for spread of noxious weeds in the area; additional habitat fragmentation, and permanent or temporary displacement of some wildlife species including migratory bird species. These impacts would be reduced once reclamation is completed. Long term (>5 years) cumulative impacts that are reasonably foreseen from existing and proposed activities include an increase in habitat fragmentation on a landscape scale and an increase in revenue for the state of Montana and the federal government. These impacts would be reduced when the wells in area are plugged and abandoned, and final reclamation is completed.

Pipeline construction increased surface disturbance by an additional 1.89 acres. The additional acres disturbed in the area are not considered to have a measurable impact on any resource.

**CONSULTATION/COORDINATION:** David Brewer, Tomahawk Oil Company, Inc.

#### **LIST OF PREPARERS:**

Doug Melton	Archaeologist
Irma Nansel	Natural Resource Specialist

#### **REFERENCES:**

- Big Dry Resource Management Plan Record of Decision (RMP ROD), April 1996
- Tomahawk Oil Company, Inc. Sundry Notice





**United States Department of the Interior  
Bureau of Land Management**

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**Environmental Assessment DOI-BLM-MT-C030-2013-104-EA**

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**Finding of No Significant Impact**

**Project Title**

Tomahawk Oil Company, Inc. Sundry Notice for replaced pipeline in Rosebud County, Montana

**INTRODUCTION:**

The Bureau of Land Management (BLM) has conducted an environmental analysis (EA No. DOI-BLM-MT-C030-2013-104-EA) in response to a Sundry Notice submitted by Tomahawk Oil Company, Inc. (Tomahawk) on February 19, 2013 for a replaced pipeline in Rosebud County, Montana. Although the pipeline was installed in the fall of 2012, no BLM permit has been approved.

**PLAN CONFORMANCE AND CONSISTENCY:**

The action and alternatives have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

- Big Dry Resource Management Plan Record of Decision (RMP ROD), April 1996

**FINDING OF NO SIGNIFICANT IMPACT DETERMINATION:**

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action significantly affecting the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity, as defined in 40 CFR 1508.27, and do not exceed those effects described in the Big Dry Resource Management Plan, which was approved April 1996. Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described:

**Context:** The project is a site-specific action directly involved a total of approximately 1.89 acres of disturbance in Rosebud County, Montana, which by itself does not have international, national, regional, or state-wide importance. The project area includes producing oil and gas wells and abandoned wells.

**Intensity:** The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27.

**1. Impacts may be both beneficial and adverse.**

The action impacted resources as described in the EA. Mitigation measures to minimize or eliminate adverse impacts were identified and implemented by the project proponent as described in the Sundry Notice and applied conditions of approval. The pipeline brought additional oil into the market place and increased revenues to federal and state governments.

**2. The degree to which the selected alternative will affect public health or safety.**

The selected alternative shows how the project proponent minimized adverse impacts to public health and safety by project design and additional mitigation measures implemented.

**3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.**

The historic and cultural resources of the area have been reviewed by BLM and potential impacts were mitigated in the design of the action. There are no effects on park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

There are no effects which are expected to be highly controversial.

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The project is not unique or unusual because BLM and the State of Montana have approved similar actions in the same geographic area. The environmental effects to the human environment are analyzed in the environmental assessment. There are no known predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

**6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

The actions considered in the preferred alternative were considered by the BLM within the context of past, present, and reasonably foreseeable future actions. The action would not establish a precedent, since the project area is already within a developed oil and gas field.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

The BLM evaluated the possible actions in context of past, present and reasonably foreseeable actions. The analysis did not disclose any significant cumulative impacts. A disclosure of the effects of the project is contained in the environmental assessment.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

The project did not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor did it cause loss or destruction of significant scientific, cultural, or historical resources.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

The project is in compliance with the Endangered Species Act (ESA) of 1973, as amended, since the project is not located in any identified endangered or threatened habitat.

**10. Whether the action threatens a violation of a Federal, State, Local, or Tribal law, regulation or policy imposed for the protection of the environment, where non-Federal requirements are consistent with Federal requirements.**

The project did not violate any known Federal, State, Local, or Tribal law imposed for the protection of the environment. It did, however, violate Federal regulation 43 CFR 3162.3-3, which states that prior to commencing any operation on the leasehold which will result in additional disturbance "the operator shall submit a proposal on Form 3160-5 to the authorized officer for approval. The proposal shall include a

surface use plan of operations”. The EA describes the project proponent’s design and mitigation measures intended to protect the environment.

Approved By:           Dan Benoit            
                  Todd D. Yeager  
                  Field Manager  
                  Miles City Field Office

          3/15/2013            
                  Date



**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MILES CITY FIELD OFFICE  
111 Garryowen Road  
Miles City, MT 59301**

**Decision Record  
Environmental Assessment DOI-BLM-MT-C030-2013-104-EA**

**Decision:** Based upon the analysis of potential environmental impacts and mitigation measures described in DOI-BLM-MT-C030-2013-104-EA, it is my decision to select the Action, including the mitigation measures, from the EA and approve the Sundry Notice for the Federal #6 well pipeline installation.

**Alternatives:** In addition to the selected alternative, the EA considered the "No Action" alternative, which would not approve the permit.

**Rational for Selection:** The BLM has been mandated by Congress and the President to manage public lands for multiple uses. One of these legitimate uses is energy production. The purpose of the action is to allow Tomahawk Oil Company, Inc. to continue using the installed pipeline to provide for the continued orderly, efficient and environmentally responsible development of Federal lease MTBIL0405584 in the federal Stensvad Unit, consistent with the goals, objectives, and decisions of the Big Dry Resource Management Plan, April 1996, as amended, which was prepared with extensive public involvement. Restrictive stipulations designed to protect sensitive resources were identified at that time. This action is in conformance with the Big Dry Resource Management Plan, which was analyzed in an environmental impact statement.

**Compliance and Monitoring:** BLM will conduct compliance inspections during the different phases of operations. Inspections will be conducted to determine whether or not operations are being conducted in compliance with the approved permit.

**Terms / Conditions / Stipulations:** The following mitigation measures were analyzed in the EA and are attached below and included as Conditions of Approval with the approved Sundry Notice.

**Appeals:** You have the right to request a State Director Review of this decision and these Conditions of Approval pursuant to 43 CFR 3165.3(b). An SDR request, including all supporting documentation shall be filed with the Montana State Office, State Director (MT-920) at 5001 Southgate Drive, Billings, Montana 59101-4669 within 20 business days of your receipt of this decision. If adversely affected by the State Director's decision, it can be further appealed to the Interior Board of Land Appeals (IBLA) pursuant to 43 CFR 3165.4, 43 CFR 4.411, and 43 CFR 4.413. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, P.O. Box 31394, Billings, Montana 59107-1394, not later than 15 days after filing the document with the authorized officer and/or IBLA.

Should you fail to timely request an SDR, or after receiving the State Director's decision, fail to timely file an appeal with IBLA, no further administrative review of this decision would be possible.

Dan Benoit  
Todd D. Yeager  
Field Manager  
Miles City Field Office

3/15/2013  
Date

### CONDITIONS OF APPROVAL

1. The pipeline corridor shall be cleaned up of all debris, material and equipment after completion of the construction activities.
2. No additional construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
3. Erosion control measures, such as water bars or matting, shall be installed on 3:1 or steeper slopes or on slopes with bare soil.
4. Drainages shall be restored to their original grade and left in free-flowing condition. Topsoil shall be spread evenly over the disturbed area after the trench has been backfilled and compacted.
5. All abandoned surface pipelines shall be removed and disposed of properly. All abandoned buried pipelines shall be purged with fresh water and plugged at least 3' below ground level. Oil, oily waste, hydrocarbons, salt water or other fluids harmful to the environment which might be present in the abandoned pipeline shall not be spilled onto the ground during purging operations and must be properly disposed of.
6. All disturbed areas shall be recontoured to the original contours with proper drainage established and seeded with the following requirements. Certified weed seed free mulch must be crimped into the soil at a rate of 1 ton per acre before seeding. All disturbed areas on private surface shall be seeded in accordance to the landowner seedmix.
7. Reclamation work will be considered successful when the seeded area is stabilized, potential water erosion is effectively controlled and the vegetative cover is established with at least 60% of the species required.
8. The operator is responsible for the suppression of any fires started as a result of operations. The contractor must have the necessary equipment, including fire extinguishers or water, to provide initial suppression of fire.
9. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is immediately to stop work that might further disturb such materials, and contact the authorized officer (AO). Within five working days, the AO will inform the operator as to:
  - a) whether the materials appear eligible for the National Register of Historic Places;
  - b) the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
  - c) a timeframe for the AO to complete an expedited review under 35 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator

will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

10. The Operator shall be responsible for control of noxious weeds occurring as a result of lease operations. The BLM shall be responsible for approval of the weed control program.

You have the right to request a State Director Review of this decision and these Conditions of Approval pursuant to 43 CFR 3165.3(b). An SDR request, including all supporting documentation must be filed with the Montana State Office, State Director (MT-920) at 5001 Southgate Drive, Billings, Montana 59101-4669 within 20 business days of your receipt of this decision. If adversely affected by the State Director's decision, it can be further appealed to the Interior Board of Land Appeals (IBLA) pursuant to 43 CFR 3165.4, 43 CFR 4.411, and 43 CFR 4.413. Should you fail to timely request an SDR, or after receiving the State Director's decision, fail to timely file an appeal with IBLA, no further administrative review of this decision will be possible.